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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VII
901 NORTH 5TH STREET
KANSAS CITY, KANSAS 66101

FEB 25 2008

PROMPT REPLY NECESSARY
CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Warren and Nancy Smith
B & N Trucking
10463 Bottom Diggins Road
Cadet, Missouri 63630

Re: Request for Information Pursuant to Section 104 of CERCLA for Jefferson
County Lead District Superfund Site, Jefferson County, Missouri.

Dear Mr. and Mrs. Smith:

This letter seeks your cooperation in providing information and documents related to the delivery of contaminated soil, sand, gravel and/or rock found in residential yards at various Lead Superfund Sites ("Site") in Missouri. The Site includes but is not limited to areas in the Missouri counties of Jefferson, Franklin, and Washington. We encourage you to give this matter your immediate attention and that you provide a complete and truthful response to this Information Request within twenty-one (21) days of your receipt of this letter.

The United States Environmental Protection Agency ("EPA") is investigating lead contamination found in residential yards located in various areas throughout Missouri. EPA is seeking information concerning the transportation of lead contaminated soil, sand, gravel, and/or rock which may affect public health. The EPA believes that you might possess information which may assist the Agency in its investigation of the Site.

The EPA has conducted sampling and removed lead contaminated soil, sand, gravel and/or rock from residential yards. EPA has information that the contamination of residential yards is due to past mining activities at the Site. The EPA is conducting further investigation to identify potentially responsible parties ("PRPs") responsible for lead contaminated soil, sand, gravel and/or rock at the Site. The EPA has information that your company delivered lead contaminated soil to properties located at the Site.

Under Section 104(e)(2) of CERCLA, 42 U.S.C. § 9604(e)(2), EPA has broad information gathering authority which allows EPA to require persons to furnish

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information or documents. The specific information EPA is seeking can be found in Enclosure A.

While EPA seeks your cooperation in this investigation, compliance with the Information Request is required by law. In addition, providing false, fictitious, or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. § 1001. The information you provide may be used by EPA in administrative, civil or criminal proceedings.

Some of the information EPA is requesting may be considered by you to be confidential. Please be aware that you may not withhold the information upon that basis. If you wish EPA to treat the information confidentially, you must support your claim for confidentiality.

If you have information about other parties who may have information which may assist the Agency in its investigation of the Site or may be responsible for the contamination at the Site, that information must be submitted within the time frame noted above.

Section 104 of CERCLA, 42 U.S.C. § 9604, authorizes EPA to pursue penalties for failure to comply with that section or for failure to respond adequately to requests for submissions of required information.

This Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. § 3501 et seq.

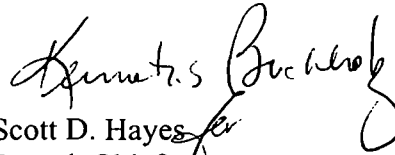
Your response to this Information Request should be mailed to:

Kelley Catlin
Office of Regional Counsel
U. S. Environmental Protection Agency
901 North 5th Street
Kansas City, Kansas 66101.

If you have questions about the history of the Site, the nature of the environmental conditions at the Site, or the status of response activities, please contact Jim Silver, On-Scene Coordinator at (636) 326-4724. However, if you have specific questions about the Information Request please contact Kelley Catlin, the attorney assigned to portions of the Site, at (913) 551-7110.

We appreciate and look forward to your prompt response to this information request.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott D. Hayes". The signature is fluid and cursive, with a large loop at the end.

Scott D. Hayes
Branch Chief
Emergency Response and Removal Branch
Superfund Division

Enclosure

cc: Mr. Dennis Stinson, Chief, Superfund Section, Missouri Department of Natural Resources

Enclosure A
Information Request to
Warren and Nancy Smith
B & N Trucking

EPA has provided an additional copy of this Information Request so that you may write your answers directly on the copy and return it to EPA. Please keep the original for your files. In your answers, please identify who answered each question, who may have been consulted in preparing the answer, and identify any and all documents consulted or referred to in preparation of your answer. If you do not have documents to support your answers, please explain why the documents are no longer available, and provide answers using the best of your recollection.

Question

1. EPA has information that you have delivered lead contaminated soil to properties located in Jefferson, Washington, and/or Franklin counties. Please list the name, address, and phone number of any person or company where you have delivered soil, sand, gravel, and/or rock obtained from James Stewart, 6752 Big River Heights Road, DeSoto, Missouri. Please limit your response to deliveries made over the last 17 years (i.e. since 1991). Please provide any receipts and/or invoices you may have produced regarding these deliveries.

**UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY**

**Region VII
901 North 5th Street
Kansas City, Kansas 66101**

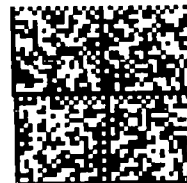
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Warren and Nancy Smith
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Cadet, Missouri 63630

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